

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
MARLON NEWELL,

Plaintiff,

-against-

NYC DEPARTMENT OF
TRANSPORTATION,

Defendant.
----- X

GERSHON, United States District Judge:

The court is in receipt of defendant's letter dated August 19, 2008, in which it notifies the court that plaintiff has yet to serve defendant with his opposition to defendant's motion to dismiss notwithstanding the briefing schedule set by the court requiring him to do so by August 8, 2008 and requiring defendant to file the fully briefed motion by August 22, 2008. Because plaintiff did not serve any opposition on defendant, defendant filed solely its moving papers with the court by August 22, 2008. Having received no response from plaintiff either to the court's scheduling order or defendant's letter, the court will consider defendant's motion submitted without opposition.

SO ORDERED.

Al - Al

NINA GERSHON
United States District Judge

Dated: September 15, 2008
Brooklyn, New York

D/F

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 16 2008 ★
BROOKLYN OFFICE